

Approved October 14, 2014

**The Regular Meeting of the  
Brian Head Town Council  
Town Hall - 56 North Highway 143,  
Brian Head, UT 84719  
TUESDAY, SEPTEMBER 23, 2014 @ 1:00 PM**

**Roll Call.****Members Present:** Mayor Pro Tem Jim Ortler, Council Member Clayton Calloway, Council Member Reece Wilson.**Members Excused:** Mayor H.C. Deutschlander, Council Member Larry Freeberg.**Staff Present:** Bret Howser, Nancy Leigh, Tom Stratton, Wendy Dowland, Cecelia Johnson**A. CALL TO ORDER**

The regular meeting of the Brian Head Town Council was called to order at 1:00 pm.

**Motion:** Council Member Wilson moved to appoint Council Member Ortler as Mayor Pro Tem for this meeting. Council Member Calloway seconded the motion.**Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes:** Mayor Pro Tem Ortler, Council Member Calloway, Council Member Wilson. **Excused:** Council Member Freeberg, Mayor Deutschlander).**B. PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Ortler led the Council and others in the Pledge of Allegiance.

**C. DISCLOSURES**

There were no conflicts of interest with today's agenda items. Mayor Pro Tem Ortler stated that the disclosure statements are on file at the Town Clerk's office and are available for public inspection during normal business hours.

**D. APPROVAL OF THE MINUTES:****September 9, 2014 Town Council Meeting****Motion:** Mayor Pro Tem Ortler moved to approve the minutes of the September 9, 2014 Town Council meeting. Council Member Calloway seconded the motion.**Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes:** Mayor Pro Tem Ortler, Council Member Calloway, Council Member Wilson. **Excused:** Council Member Freeberg, Mayor Deutschlander).**E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items****Nancy Leigh, Town Clerk,** reported the voter information pamphlets for the reauthorization of the PAR Tax have been sent to all registered voters of Brian Head. Nancy reported the County Clerk and Lt. Governor's office approved the pamphlet prior to distribution.**Mayor Pro Tem Ortler** reported the Rokberfest was a success even though the weather was not cooperative.**Bret Howser, Town Manager,**

1. Attended the annual Utah League of Cities and Towns conference and also attended the International City Managers conference in North Carolina. Both conferences were very informative.
2. Updated the Council on the status of the Community Impact Board (CIB) grants the town applied for. The town applied for two grants; ice water rescue equipment and a streets master plan. In a preliminary application to Five County Association of Governments, the ice water rescue equipment was a top priority identified for grant funding. CIB denied both grants with the explanation that they will be funding a railroad project in Northern Utah. Staff will resubmit the application for both items next year. Bret explained staff may come back to Council with a budget adjustment for the ice water rescue equipment since it was not budgeted in this year's budget.

**Tom Stratton, Public Works Director**

1. On October 22, 2014, Matt Jensen, Town Water Attorney, will be here to discuss water rights and what the town can do with water rights. Parowan City has accepted the invitation to meet with Mr. Jensen.



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2. Attended an OHV trail committee meeting with Iron County and the Bureau of Land Management (BLM). The goal is to expand OHV trails within the County. One area of discussion was the Spanish Trail which starts in New Castle and continues to highway 20 & highway 89 intersections (see attached).
3. Tom updated the Council on the status of the repair on the Bearflat well.

## F. AGENDA ITEMS:

1. **DOMESTIC VIOLENCE AWARENESS PRESENTATION & PROCLAMATION.** A presentation on domestic violence awareness month and request the Council adopt a proclamation declaring October as Domestic Violence Awareness month.

Mayor Pro Tem Ortler reported Mr. Ed Weaver, who was to present the domestic violence awareness presentation, had the wrong date and showed yesterday for his presentation. He had previous engagements and was not able to attend today's meeting. Mayor Pro Tem Ortler then distributed a handout from Mr. Weaver on domestic violence awareness month (see attached).

A proclamation was presented to the Council declaring October as Domestic Violence Awareness month (see attached).

**Motion:** Council Member Calloway moved to adopt the proclamation declaring October as Domestic Violence Awareness month and authorize the Mayor to sign the proclamation. Council Member Wilson seconded the motion.

**Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes:** Mayor Pro Tem Ortler, Council Member Calloway, Council Member Wilson. **Excused:** Council Member Freeberg, Mayor Deutschlander).

2. **PUBLIC HEARING FOR SOJOURN PROJECT FOR A ZONE CHANGE FROM R-3 TO R-1 AND FINAL PLAT AMENDMENT.** A public hearing to receive comment on a proposed zone change from Multi-Family Residential (R-3) to Single Family Residential (R-1) and to amend the Sojourn Final Plat.

Mayor Pro Tem Ortler opened the public hearing at 1:15 pm to receive public comment on a proposed zone change from Multi-Family Residential to Single Family Residential.

Wendy Dowland, Public Works Assistant, explained Sojourn is a project located on Ridge View Street and is currently zoned as a multi-family residential. The project fell into foreclosure and no improvements have been made since 2007. The bank is requesting a zone change to single family residential and they will also be amending the final plat (see attached).

One written comment was received from Rulon and Catherine Payne who are property owners in the vicinity (see attached). The letter explains their concerns regarding a ski-in ski-out trail that is on the west side of the project which is on their property, but they had no objections to the proposed zone change.

No other comments were received.

Mayor Pro Tem Ortler closed the public hearing at 1:17 pm.

3. **RECYCLING OPTION DISCUSSION.** A discussion on the town's options for recycling.

Tom Stratton, Public Works Director, presented options for the town's recycling (see attached). Tom reported he contacted Rocky Mountain Recycling and they indicated that if the town separates and bails the cardboard then the town would receive \$60.00 p/ton. Currently the town is receiving \$6.00 p/ton for the loose cardboard that is sent to St. George. Tom went on to report the garbage truck typically hauls 20 tons of household garbage, but when the town picks up recycling, there is only 4 tons of cardboard due to the size of the cardboard.

Tom explained the Council has several options for the town's recycling:

1. Set up a stationary compactor.
2. Locate a 40 yard construction roll off dumpster for the public to put the cardboard in instead of using the recycling dumpsters.
3. Some roll off dumpsters are self-contained in which a compactor is located within the dumpster, but the cost is approximately \$12,000 per dumpster.
4. The town can purchase a cardboard bailer and bail the cardboard which can be transported by trailer to haul the cardboard to St. George for processing. Rocky Mountain Recycling requires a minimum of 1,000 lb. bails.



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The Council held discussion on the following:

1. Council Member Wilson inquired if Parowan City would be willing to cooperate with the town on sharing the costs for recycling. Currently the town charges Parowan City \$50.00 p/recycling dumpster. Staff will open conversations with Parowan on recycling options.
2. Council Member Calloway stated he favors the status quo but would like to see the town improve the appearance of the dumpsters located throughout the town, especially on Aspen Drive.
3. Staff will review the current locations of the town dumpsters to determine if another location would help hide the dumpsters while still accessible to the public in an effort to improve the appearance of the town.
4. If putting dumpsters into a shelter type of structure would be beneficial to improving first impressions.
5. Concerns regarding snow storage around the dumpster shelters and if the accessibility for the garbage truck would be hindered.
6. Bret inquired if the Council is interested in constructing a dumpster shelter to determine if the shelter would work in the mountain environment.
7. Mayor Pro Tem Ortler commented the town currently has a reoccurring dumpster acquisition plan in which the town rotates the older dumpsters out and replacing them with new dumpsters.
8. Whether the new dumpsters should be green vs. brown.

**Consensus of the Council:** Staff will continue with hauling the cardboard to Rocky Mountain Recycling and look at costs benefits of other options and the new dumpsters will be a brown color.

Council will discuss the recycling options during the annual budget retreat in April.

#### 4. ADMINISTRATIVE CODE DISCUSSION. A discussion on a revised Administrative Code for the Town.

Nancy Leigh, Town Clerk, presented a draft of the administrative code (see attached). Nancy explained this is a revision of the administrative code and would like the Council's input for a final draft.

The Council reviewed the administrative code draft with the following discussions and/or corrections:

1. 1-7-6: ADD "and" after "administrative"
2. 1-7-7-E: CHANGE TO READ: "No member of the Council shall give an order to any subordinate...."
3. 1-7-11-1-A-5: Discussion took place regarding whether the building, legal and finance department should be deleted. Staff will review the Land Management Code to determine if the above mentioned departments are identified in the LMC. Council would like legal department identified in the code.
4. 1-7-11-1-A-7: CHANGE "Optional Forms of Municipal Government Act" to "Former Council-Manager form of government".
5. 1-7-11-1-A-9: Leave "monthly financial statements" in the sentence.
6. 1-7-11-1-A-11: Staff will revise the paragraph that the acting town manager is identified by resolution adopted by the Council.
7. 1-7-11-2-8: DELETE "merit"
8. 1-7-11-2-10: DELETE "Compromise" and REPLACE with "Negotiate".
9. 1-7-11-2-11: DELETE "administrative problems" and REPLACE with "issues affecting the town".
10. 1-7-12-A: Town Organization: Discussion took place regarding the removal of the departments. Staff will present the current town organizational chart for Council's review.
11. 1-7-12-B: This paragraph will be discussed when the entire Council is present for a consensus.
12. 1-7-13-D-5: New Provision: "The department head are required to stay within the approved budget for their departments".
13. 1-7-14-F: DELETE and reformat. This sentence is covered in 1-7-14-B, referring to state code.
14. 1-7-15-B: Discussion took place regarding whether to delete this provision. This will be discussed with the entire Council present for a consensus.
15. 1-7-17: First Sentence: ADD: "An employee appeals board will be appointed as an as-needed basis.
16. 1-7-21: First Sentence: DELETE "persons" and REPLACE with "employee"
17. Council Member Ortler suggested the Council also discuss town code 1-6 – Form of Government and whether it should be implemented into the administrative code.

The Council will continue with the review of the administrative code draft when the entire Council is present.



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**5. APPLIED GEOTECH ENGINEERING PROFESSIONAL SERVICES CONTRACT APPROVAL.**

Approval of a professional service contract with AGECE Engineering for road mitigation.

Tom Stratton, Public Works Director, presented a contract from Applied Geotech Engineering (see attached) for the highway 143 road issue. Tom explained this contract does not include engineering if the highway has to be re-engineered; it is a study of the area and the recommendation to stabilize the highway.

The Council held discussion on the following:

1. The contract is for making a recommendation only.
2. The contract identifies a survey of 300' above the pond and Rosenberg Engineering survey is 200' above the pond. There is a conflict in distance of the survey. Staff will clarify.
3. GEM Engineering has presented all of their information along with the town also presenting their information to AGECE.
4. The contract includes compact testing.
5. Photos of the area have also been submitted.
6. Staff would like to keep the contract to a minimum price of \$47,300 which includes drilling, rehabbing the inclinometer tube and vacuuming out the existing tube.
7. Discussion on whether two or four holes should be drilled. Council Member Calloway commented that if the contract recommends four holes, the town should be drilling four holes.
8. Council Member Wilson and Calloway stated they would like justification and a breakdown of costs if the costs exceed \$50,000.
9. Staff will keep the Council informed on the costs of the project.
10. Council Member Wilson reported he would like a breakdown of the critical issues of the project.
11. Rosenberg Engineering is separate from AGECE and Rosenberg's cost is approximately \$1,300.

**Motion:** Council Member Calloway moved to approve the contract with Applied Geotech Engineering in an amount not to exceed \$50,000. Council Member Wilson seconded the motion.

**Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes: Mayor Pro Tem Ortler, Council Member Calloway, Council Member Wilson. Excused: Council Member Freeberg, Mayor Deutschlander).**

**G. WORK SESSION – LAND MANAGEMENT CODE REVIEW - Chapter 14, Sign Code**

**Motion:** Council Member Wilson moved to table the work session of the Town Council. Council Member Calloway seconded the motion.

**Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes: Mayor Pro Tem Ortler, Council Member Calloway, Council Member Wilson. Excused: Council Member Freeberg, Mayor Deutschlander).**

**H. ADJOURNMENT**

**Motion:** Council Member Calloway moved to adjourn the regular meeting of the Brian Head Town Council for September 23, 2014. Council Member Wilson seconded the motion.

**Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes: Mayor Pro Tem Ortler, Council Member Calloway, Council Member Wilson. Excused: Council Member Freeberg, Mayor Deutschlander).**

The regular meeting of the Brian Head Town Council was adjourned at 2:35 pm for September 23, 2014.

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Date Approved

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Nancy Leigh, Town Clerk

